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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/701,983

11/06/2003

William A. Simpson

8232

7590

03/28/2005

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EXAMINER

MULLEN, THOMAS J

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,983

Applicant(s)

SIMPSON, WILLIAM A

Examiner

Thomas J. Mullen, Jr.

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Appendix (20 pp.)

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1. Color photographs and color drawings are not accepted unless a petition filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied. See 37 CFR 1.84(b)(2).

Note the format of the drawings in the patents cited; a basic schematic diagram(s) showing the functional interrelationship of the elements (and structural interrelationship, where applicable) is preferred, and all the elements recited in the claim(s) should be shown (e.g., a schematic diagram including an alarm and receiver in the vehicle's driver compartment which is in communication with the probe/sensor-switch 2 and transmitter 5 at or near the tire).

2. The disclosure is objected to because of the following informalities: in the specification, the "Brief Description" section (wherein Figs. 1 and 2 are discussed) is not clearly set forth--i.e., the association of reference numerals with individual elements making up the overall device (e.g. "sensor-switch"), and the mention of any necessary elements which are "not shown" (e.g. connecting "wires"), should generally occur only in the "Detailed Description" section; also, the last two paragraphs in the Brief Description section would more appropriately be found in the Detailed Description section. Note the format, and nature of the content, of the "Brief Description" section set forth in the patents cited.

Appropriate correction is required.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where apparently only one claim is being presented (consisting of 3 sub-paragraphs labeled "a." through "c." followed by a "whereby" clause), the readability (i.e. and thus understanding) of the claim is difficult or confusing due to the use of the letter designation "a." at the beginning of the claim for the preamble (the first sub-paragraph), and the absence of any letter designation for the recited "sensor-switch". It is considered that the following cosmetic changes to the appearance of the claim would make the claim clearer:

—on line 1, replace "a." with "1.", or simply delete "a." (i.e., the claim may optionally be identified as claim number "1."; this would be mandatory if more than one claim is presented, e.g. if any claims are added in response to this office action, the originally filed claim would be claim 1 and any added claims would be 2, 3, etc.; this number appears before the beginning of the claim, note the format of the claims in the patents cited);

—immediately thereafter, capitalize the "a" which is the first word of the claim (note that claims are to be written in one sentence form only, with the first word capitalized);

—replace "b." with "a.";

—before "a sensor-switch", insert "b." and place the "sensor-switch" recitation on a separate line from the "probe" recitation; and

—after "level," (third line from bottom), insert "and".

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Reinecke (US 4887067).

Reinecke discloses a warning device to alert an operator of a vehicle tire low pressure condition ("pressure loss"--col. 2, line 16), note tire 4; wheel rim surface 3; and "measurement device" 7. The measurement device 7 comprises an adjustable plunger-shaped sensing element 8, whose end 10 projects into the inner space 9 of the tire. Reinecke teaches that the measurement device 7, including the sensing element 8,10, can act as a "proximity switch" which is activated "when the inner surface 5 of the tire 4 rests against the rim and produces a contact" (col. 4, lines 34-38). Thus, Reinecke discloses a warning device comprising a "probe" 7 mounted on the rim (2) of a wheel (1) and extending into the tire air space 9; a "sensor-switch" 8,10 located at the end of the probe 7 so as to contact the interior 5 of the tire, inherently "above the tire-road interface", when the air pressure drops to a "dangerous level"; and means to provide an alarm for the driver ("warning device to alert an operator"--col. 1, lines 47-48) as the sensor-switch 8,10 contacts the interior surface of the tire and closes during low air pressure, whereby the driver will be alerted to the "excessive flexing" of the tire due to low air pressure.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Richardson (US 3593269), Neugebauer et al (US 4724703), Muller (US 4196414), Karbo et al (US 4160234), Schiavone (US 4235184) and Snyder et al (US 4117452) are cited to further show the state of the art.

8. See the attached Appendix presenting copies of some of the most relevant patent rules, and information regarding how to respond to an Office action.

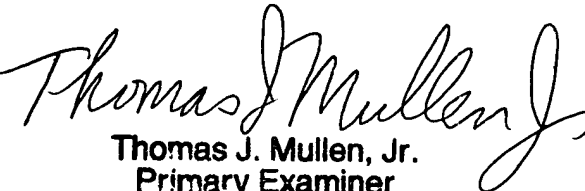
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

TJM


Thomas J. Mullen, Jr.
Primary Examiner
Art Unit 2632